

PATENT
PD-990197

REMARKS

The applicants have carefully considered the official action dated March 31, 2004 and the references it cites. In the official action, claims 1-26 were rejected under 35 U.S.C. § 102(e) as anticipated by Schein et al. By way of the foregoing amendments, claims 16 and 23 have been canceled leaving claims 1-15, 17-22 and 24-26 pending in this application.

In view of the foregoing amendments and the following remarks, it is respectfully submitted that the pending claims 1-15, 17-22 and 24-26 are now in condition for allowance. The applicants respectfully request reconsideration of this application.

Schein et al. fail to disclose a program similarity detecting device that calculates a similarity score for a television program based on a weighted combination of at least two attributes from a set of attributes associated with the television program, as recited in independent claim 1. On the contrary, Schein et al. teach that any one of a plurality of criteria may be used independent of the other criteria to identify programs that may be of interest to a viewer. In particular, Schein et al. teach that each of the criteria used is as important as any other criterion and that each of the criteria can independently cause a program to be selected as of potential interest. For example, if a user indicates a particular program as a favorite and selects "Performers" and "Director" as criterion for selecting other programs of potential interest, then any program having either a performer (i.e., an actor) in common with the program indicated as a favorite or directed by the same director will subsequently be identified as of potential interest, regardless of the subject matter of the program. See col. 11, line 45 to col. 12, line 35 and col. 13, line 49 to col. 14, line 9. Thus, Schein et al. completely fail to teach or suggest that the disclosed criterion (e.g., performers,

PATENT
PD-990197

director, category, etc.) can be combined in any manner, much less to calculate similarity scores based on a weighted combination of attributes as now recited in independent claim 1.

Further, in the system taught by Schein et al., a program is selected as of potential interest whether one criterion was found to match or multiple criteria were found to match criteria corresponding to user interests. As a result, the system taught by Schein et al. cannot identify programs having multiple matching criteria as being of greater potential interest than those programs having fewer or only one matching criteria. In contrast, the device recited in independent claim 1, uses a combined weighting of the attributes to form a similarity score, which can be used to provide a relative ranking of the program associated with that score among a plurality of programs that may be of potential interest to a viewer.

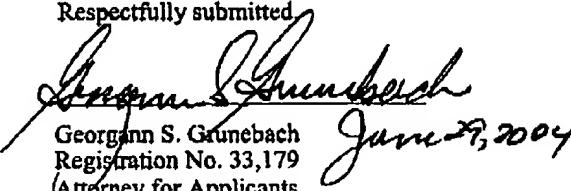
In any event, Schein et al. fails to disclose either expressly or inherently all the limitations recited in independent claim 1 and, thus, independent claim 1 cannot be anticipated thereby. Accordingly, the applicants respectfully submit that independent claim 1 and claims 2-11 dependent thereon are now in condition for allowance.

Remaining claims 12-15, 17-22 and 24-26 are also allowable over Schein et al. for at least the reasons set for above in connection with independent claim 1.

PATENT
PD-990197

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. If there are any remaining matters that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,


Georgann S. Grunebach
Registration No. 33,179
(Attorney for Applicants)

Dated: June 29, 2004

The DIRECTV Group, Inc.
RE/R11/A109
P.O. Box 956
2250 E. Imperial Highway
El Segundo, CA 90245-0956

Phone: (310) 964-4615